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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | | | | | | | | | | | | |
|---|---------------|----------------------|--|------------------|----------|--|-----------------------|--|----------|--------------|------|--|-----------|---------------|------------|-------|
| 10/635,786 | 08/05/2003 | Masaru Aiso | 393032039900 | 2713 | | | | | | | | | | | | |
| 7590 David L. Fehrman Morrison & Foerster LLP 35th Floor 555 W. 5th Street Los Angeles, CA 90013 | | 08/27/2007 | <table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">SUTHERS, DOUGLAS JOHN</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2615</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>08/27/2007</td><td>PAPER</td></tr></table> | | EXAMINER | | SUTHERS, DOUGLAS JOHN | | ART UNIT | PAPER NUMBER | 2615 | | MAIL DATE | DELIVERY MODE | 08/27/2007 | PAPER |
| EXAMINER | | | | | | | | | | | | | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/635,786 | Applicant(s) AISO ET AL. | |
| | Examiner Douglas Suthers | Art Unit 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-5,7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2615

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615.

2. Claims 3 and 6 have been cancelled. Claims 10 and 11 have been added.

Claims 1-2, 4-5, and 7-11 are pending and are addressed in this office action.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 2, 4, 5, and 7-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what problem the applicant is trying to address or how the invention solves it. The claim language as it stands does not enable one skilled in the

art to construct such an apparatus. Given that such a structure as claimed were constructed, it is unclear how one would use it.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 2, 4, 5, and 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 1, 5, 8, and 9 recite the limitation "predetermined operating elements". It is unclear what is predetermined.

9. Claim 9 recites "determined n an input channel basis". Perhaps this should read "determined on an input channel basis".

10. Claim 5 recites "setting means for setting correspondence between at least one pair of input port and output port and between at least one pair of input channel and output port". It is unclear whether the first term "pair" is referring to a stereo signal, such as stereo input port and stereo output port, or if a single input port and single out put port make up a "pair". Similarly the second occurrence is unclear. It is also unclear what correspondence is being made. The setting means could be making two separate correspondences or a single one. The limitation could be read as to correspond within the pair (input to another input in the pair), inputs to outputs, or input/output to channel/output.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 4, 5, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the Roland VS-1680 Owner's manual.

13. Regarding claim 1, Roland discloses a signal processing apparatus comprising:

a plurality of input ports (page 18, items 13-15) that receive signals from a plurality of external devices;

a plurality of output ports (page 18, items 5-9) that transmit control signals to said plurality of external devices;

a plurality of input channels (page 14, shown as items 4-6) to which signals are inputted from the external devices;

a plurality of predetermined operating elements (6) associated with respective ones of said input channels;

an input patch that sets connections between said input ports and said input channels (input mixer shown on page 25);

setting means for setting correspondence between said input and said output ports (mixing sections, pages 25 and 26); and

transmission control means that performs, when any of said operating elements is operated, control such that the control signal is transmitted from the output port that correspond to the input port connected to the input channel that correspond to the operated operating element (when fader is changed, the output of corresponding input is reduced in the output).

14. Regarding claim 2, Roland discloses wherein said input patch is capable of changing the connections between said input ports and said input channels (page 25).

15. Regarding claim 4, Roland discloses further comprising a display that displays a screen for prompting an output setting for each of said input (top of page 42).

16. Regarding claim 5, Roland discloses a signal processing apparatus comprising:
a plurality of input ports (page 18, items 13-15) that receive signals from a plurality of external devices;

a plurality of output ports (page 18, items 5-9) that transmit control signals to said plurality of external devices;

a plurality of input channels (page 14, shown as items 4-6) to which signals are respectively inputted from the external devices associated with respective ones of said input

a plurality of predetermined operating elements (6) associated with respective ones of said input channels;

an input patch that sets connections between said input ports and said input channels (input mixer shown on page 25);

setting means for setting correspondence between at least one pair of input port and output port and between at least one pair of input channel and output port (mixing sections, pages 25 and 26);

a mode setting device (fader button, bottom of page 26) that selectively sets either one of a first mode in which one of the output ports from which the control signal is to be transmitted is determined on an input port basis (input mixer) and a second mode in which one of the output ports from which the control signal is to be transmitted is determined on an input channel basis (track mixer); and

transmission control means that performs, when any of said operating elements is operated in a state where the first mode is set, control such that the control signal is transmitted from the output port which is made to correspond to the input port connected to the input channel corresponding to the operated operating elements (when fader is changed, the output of corresponding input is reduced in the output), said transmission control means performing, when any of said operating elements is operated in a state where the second mode is set, control such that the control signal is transmitted from the output port which is made to correspond to the input channel corresponding to the operated operating element (when fader is changed, the output of corresponding track is reduced in the output).

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17. Regarding claim 4, Roland discloses further comprising a display that displays a screen,

wherein the display displays a screen for prompting an output setting for each of the input ports if said mode setting device sets the first mode (top of page 42) and displays a screen for prompting an output setting for each of the input channels if said mode setting device sets the second mode (middle of page 42).

18. Regarding claims 8 and 9, the computer claims 8 and 9 are rejected in an analogous manner to method claims 1 and 5 respectively given that the unit is run by a central processing unit and associated software.

19. Regarding claim 10, Roland discloses further comprising:

input port selecting means that selects the input port connected to the input channel corresponding to the operated operating element (page 25).

20. Regarding claim 11, Roland discloses further comprising:

input port selecting means that selects the input port connected to the input channel corresponding to the operating element operated in a state that the first mode is set (page 25); and input channel selecting means that selects the input channel corresponding to the operating element operated in a state that the second mode is set (page 26).

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Suthers whose telephone number is (571)272-0563. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

djs 



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8/20/07